

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FILED  
JAMES BONINI  
CLERK

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R+L CARRIERS, INC.  
600 Gillam Road  
Wilmington, Ohio 45177,

Plaintiff,

vs.

PITT OHIO EXPRESS, INC.  
c/o Statutory Agent  
Robert R. Melnick  
18 N. Phelps Street  
Federal Building, Suite 300  
Youngstown, OH 44503,

Defendant.

CASE NO: 2:10-cv-00090

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

JUDGE JUDGE GRAHAM

**MAGISTRATE JUDGE KEMP**  
Jury Demand Endorsed Herein

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**R+L CARRIERS, INC.'S COMPLAINT FOR PATENT INFRINGEMENT**

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R+L Carriers, Inc. ("R+L") states the following for its complaint against Pitt Ohio Express, Inc. ("Pitt Ohio").

**Nature of the Action**

1. This is an action for patent infringement in violation of 35 U.S.C. § 271(a).

**Jurisdiction and Venue**

2. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has general personal jurisdiction over Pitt Ohio because of its continuous and systematic contacts with the State of Ohio. Pitt Ohio is authorized to operate its trucking fleet within the State of Ohio and maintains terminals in Cleveland, Columbus, and

Cincinnati. Upon information and belief, Pitt-Ohio's trucks regularly pass through, pick up freight, and make deliveries in the State of Ohio.

4. Upon information and belief, this Court has specific personal jurisdiction over Pitt Ohio because it has used certain infringing shipping document transmission and processing systems from a motor vehicle both within and outside of Ohio and has caused R+L harm and tortuous injury in this judicial district.

5. Venue is appropriate in this judicial district pursuant to 28 U.S.C. §§ 1391(d) and 1400(b).

#### **The Parties**

6. R+L is a corporation organized and existing under the laws of the State of Ohio, and has its principal place of business at 600 Gillam Road, Wilmington, Ohio 45177.

7. Upon information and belief, Pitt Ohio is a Pennsylvania corporation with its principal headquarters located at 15 27th Street, Pittsburgh, PA 15222. Pitt Ohio has a statutory agent for service of process located in Youngstown, Ohio.

#### **The Infringed Patent**

8. The United States Patent and Trademark Office duly and legally issued United States Patent No. 6,401,078 B1 ("the '078 Patent") entitled "Bill of Lading Transmission and Processing System for Less Than a Load Carriers" on June 4, 2002. A copy of the '078 Patent is attached as Exhibit A.

9. The '078 Patent claims a process directed to the transfer of shipping documentation for a package (freight) to a remote processing center. In particular, documentation for a package is scanned and transmitted wirelessly to a remote processing center.

The processing center then prepares a loading manifest that includes the package for further transportation of the package, prior to the package being removed from the transporting vehicle.

10. R+I owns all right, title and interest in the '078 Patent via assignment.

**Actions Giving Rise to this Complaint**

11. Pitt Ohio is a trucking company that specializes in "less than load" trucking services ("LTL"). Pitt Ohio operates its fleet in the Mid-Atlantic and Midwest United States and, with its membership in The Reliance Network, a business alliance of six regional LTL carriers, Pitt Ohio provides service to its customers throughout all of North America.

12. Upon information and belief, Pitt Ohio is using the g3 Onboard Computing System offered by PeopleNet Communications Corporation ("PeopleNet") in combination with image handling software offered by Microdea, Inc. ("Microdea") and EBE Technologies, Inc. ("EBE").

13. On or around February 17, 2009, PeopleNet's CEO, Ron Konezny, and Rich Kurtz, PeopleNet's Regional Account Manager, met with Rob Bowman of Paramount Transportation Logistics Services, LLC in Ellenton, Florida. During that meeting, Mr. Konezny and Mr. Kurtz informed Mr. Bowman that PeopleNet worked with Microdea and EBE to provide scanning capability to the PeopleNet g3 Onboard Computing Systems across certain of Pitt Ohio's fleet. According to Mr. Konezny and Mr. Kurtz, Pitt Ohio scans documents using Fujitsu S300 scanners in conjunction with PeopleNet's g3 Onboard Computing System. Pitt Ohio then uses image handling services of Microdea and business process management software of EBE to handle, process, and use the scanned images.

14. According to a publicly-released PeopleNet whitepaper, Pitt Ohio is using PeopleNet's Onboard Computing System to "improve [Pitt Ohio's] efficiency by improving [its] times between stops and pickups and deliveries and adding more enhanced customer services."

15. Specifically, according to the publicly-released whitepaper, PeopleNet provided Pitt Ohio with technology that has "'improved the communication between the dispatch and the drivers for pick ups and deliveries.' To date, the more accurate dispatch instructions have saved drivers time . . . in some cases drivers have reported saving an hour a day in reduced paperwork and more effective distribution of work."

16. Pitt Ohio has used PeopleNet's technology to improve load planning and asset management by "determin[ing] the number of trucks waiting for dock doors and . . . figur[ing] out how long it takes the drivers to log out after arriving in the yard."

17. PeopleNet outlined "Process Improvement Steps" for Pitt Ohio to improve the way Pitt Ohio creates and uses loading manifests. Specifically, PeopleNet advertises that its Onboard Computing System allows Pitt Ohio drivers to send "a message that includes load information—PRO number, pieces, weight, destination zip, and any miscellaneous remarks—at the time of loading. This information is used to populate the dispatch assistant program for linehaul planning purposes." PeopleNet's technology also allows Pitt Ohio to print manifests "prior to driver arrival thereby speeding check-in and unloading process."

18. PeopleNet boasts that its Onboard Computing System has improved Pitt Ohio's "dock planning" and "outbound and inbound planning by providing more data sooner in the process."

19. Thus, upon information and belief, Pitt Ohio is directly infringing the '078 Patent by using PeopleNet's Onboard Computing System with Microdea's image handling and FBE's

business process management software to remotely transmit shipping documents from onboard a motor vehicle to a remote processing facility. There, a loading document is prepared that includes the further transport of goods on another vehicle. Pitt Ohio does so without leave or license of R+L, and in violation of R+L's rights.

### **COUNT I—DIRECT INFRINGEMENT**

20. R+L repeats and realleges the allegations contained in paragraphs 1-19 above as if fully set forth herein.

21. Upon information and belief, Pitt Ohio knowingly uses the technology of PeopleNet, Microdea, and EBE in a manner that infringes on the patented process claimed in the '078 Patent. Pitt Ohio's conduct amounts to direct infringement in violation of 35 U.S.C. § 271(a).

22. Upon information and belief, Pitt Ohio has profited and will continue to profit from infringing the '078 Patent.

23. Pitt Ohio's infringement of the '078 Patent has caused and will continue to cause R+L substantial and irreparable injury, for which R+L is entitled to receive injunctive relief and adequate compensatory damages.

24. Further, Pitt Ohio's actions with regard to infringing the '078 Patent are willful such that R+L is entitled to treble damages under 35 U.S.C. § 284.

### **Demand for Relief**

WHEREFORE, R+L respectfully requests that this Court enter judgment as follows:

A. Declare that R+L is the owner of the '078 Patent and that the '078 Patent is valid and enforceable;

B. Preliminarily and permanently enjoin Pitt Ohio, its employees and agents, and any others acting in concert with Pitt Ohio, from infringing on the '078 Patent;

C. Award R+L its damages resulting from Pitt Ohio's infringement of the '078 Patent;

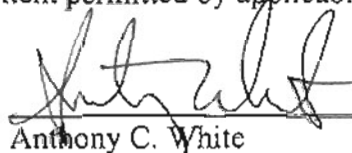
D. Award R+L treble damages pursuant to 35 U.S.C. § 284 as a result of Pitt Ohio's willfulness in infringing the '078 Patent;

E. Declare that the nature of Pitt Ohio's infringement is "exceptional" pursuant to 35 U.S.C. § 285 and award R+L its costs and attorney fees; and

F. Grant R+L such other relief as is just and proper.

**Jury Demand**

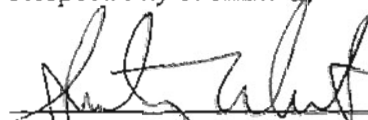
R+L demands a trial by jury to the extent permitted by applicable law.



Anthony C. White

(0062146)

Respectfully submitted,



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